

U.S. Department of Justice

United States Attorney

Southern District of New York

USDC SDNY

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The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

April 9, 2008

*To be served and  
time is excluded  
4-10-08  
ALV H*

**BY FACSIMILE: (212) 805-7942**

Honorable Alvin K. Hellerstein  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 1050  
New York, New York 10007

Re: United States v. Hector Manuel Rosario Batista,  
07 Cr. 714 (AKH)

Dear Judge Hellerstein:

The Government and the defendant respectfully submit this letter to jointly request a brief adjournment the conference currently scheduled for Friday, April 11, 2008, at 11:00 a.m., in the above-referenced case.

The Government has extended a plea offer to the defendant, through counsel, and is currently awaiting a response from defense counsel as to whether the defendant will plead guilty pursuant to the offered plea agreement. I am informed by defense counsel Roy Kulcsar, Esq., that his Spanish-speaking paralegal has been unavailable this week and defense counsel thus does not anticipate a plea, if at all, until next week. In light of the Passover holiday, the Government respectfully requests that the plea conference be adjourned until Wednesday, April 16, 2008, at 12:00 p.m. I have reached out to defense counsel, Mr. Kulcsar, to confirm his availability at that time, but have not yet heard back from him.

In addition, the Government and defense counsel jointly request that time be excluded for purposes of the Speedy Trial Act from today through and including the date of the next scheduled court conference in order to permit the Government and the defendant to continue

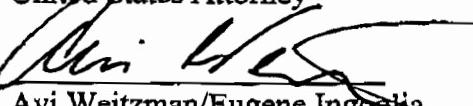
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plea discussions in this case. Therefore, the ends of justice served by excluding time under the Speedy Trial Act outweigh the best interest of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(8).

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

By:

  
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Assistant U.S. Attorneys  
(212) 637-1205/1113

Enc.

cc: Roy Kulcsar, Esq. (by email: RRKlaw@aol.com)  
Attorney for Defendant